



85VF-00108  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: John Barry :  
Serial No.: 09/715,958 : Art Unit: 3624  
Filed: November 15, 2000 : Examiner: Lalita M. Hamilton  
For: GLOBAL VENDOR :  
FINANCING SYSTEM AND  
METHOD

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL

1. Transmitted herewith is:  
Transmittal (3 pgs., in duplicate); Response to Restriction Requirement in response to  
Office Action dated December 9, 2004 (2 pgs.); Return post card

STATUS


2. Applicant  
☐ claims small entity status.  
☒ is other than a small entity.

CERTIFICATE OF MAILING BY EXPRESS MAIL TO  
THE COMMISSIONER FOR PATENTS

Express Mail Label No.: EV458034406US

Date: January 5, 2005

I hereby certify that the documents listed above are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Daniel M. Fitzgerald, Reg. No. 38,880

**EXTENSION OF TERM**

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

(complete (a) or (b), as applicable)

- (a) ☐ Applicant petitions for an extension of time under 37 C.F.R. 1.136  
(Fees: 37 C.F.R. 1.17(a)-(d) for the total number of months checked below:)

Extension for response within:	Other than small entity Fee	Small entity Fee (if applicable)
<input type="checkbox"/> first month	\$ 120.00	\$ 60.00
<input type="checkbox"/> second month	\$ 450.00	\$ 225.00
<input type="checkbox"/> third month	\$ 1,020.00	\$ 510.00
<input type="checkbox"/> fourth month	\$ 1,590.00	\$ 795.00
<input type="checkbox"/> fifth month	\$ 2,160.00	\$1,080.00
	Fee Due	\$ _____

If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

- ☐ An extension of \_\_\_\_\_ months has already been secured. The fee paid therefor \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$

**OR**

- (b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

**FEE FOR CLAIMS**

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col. 1)		(Col. 2)	(Col. 3)	SMALL ENTITY		OTHER THAN SMALL ENTITY
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	ADDITIONAL RATE FEE	OR	ADDITIONAL RATE FEE
TOTAL		MINUS		=	x \$9 = \$		x \$18 = \$0.00
INDEP.		MINUS		=	x \$44 = \$		x \$88 = \$0.00
____ FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					+ \$150 = \$		+ \$300 = \$
					TOTAL ADDITIONAL FEE \$	OR	TOTAL ADDITIONAL FEE \$

- (a) ☒ No additional fee for Claims is required

**OR**

- (b) ☐ Total additional fee for claims required \$

**FEE PAYMENT**


5.        Attached is a check in the sum of \$         
☐ Charge Deposit Account No. 01-2384 the sum of \$  
A duplicate of this transmittal is attached.

**FEE DEFICIENCY**

6. ☒ If any additional extension and/or fee is required, charge Deposit Account No. 01-2384.

**AND/OR**

- ☒ If any additional fee for claims is required, charge Deposit Account No. 01-2384.  
7. ☐ Other:

  
\_\_\_\_\_  
Daniel M. Fitzgerald  
Reg. No. 38,880  
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St. Louis, MO 63102  
314/621-5070

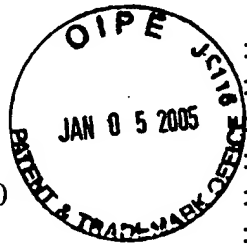
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Applicant: John Barry

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FINANCING SYSTEM AND  
METHOD



Art Unit: 3624

Examiner: Lalita M. Hamilton

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The Office Action mailed December 9, 2004 has been carefully reviewed and the following remarks have been submitted in consequence thereof. In response to the election requirement set forth in the Office Action, Applicant elects, with traverse, for prosecution in this application all claims of Group I as identified in the Office Action. Claims 1-51 are in the elected claim group.

Reconsideration of the restriction requirement imposed under 35 U.S.C. § 121 is respectfully requested. The restriction requirement is traversed because the inventions set out by the claims in Groups I and II are clearly related. Applicant submits that a thorough search and examination of either claim group would be relevant to the examination of the other group and would not be a serious burden on the Examiner. Indeed, the claims of Group I and the claims of Group II are encompassed by a single class (Class 705), and it is not evident how the searching of a single class could present an unreasonable burden on the Examiner. Because the claims in Group I and II are encompassed by a single class, the assertion that the claim groups have a acquired a separate status in the art because of their recognized divergent subject matter is respectfully traversed and submitted to be unsupportable on the present record. Therefore, to the extent that the restriction requirement relies on this assertion, it is respectfully submitted that the restriction requirement is improper and should be withdrawn.

The restriction requirement with respect to the claims in Groups I and II is further traversed. The Office Action asserts that the claims in Groups I and II are “related as subcombinations disclosed as usable together in a single combination” and that the “subcombinations are distinct from each other if they are shown to be separately usable.” The Office Action further asserts that the claims in Group I has “separate utility such that as processing any credit application, regardless of credit limit.” Applicant respectfully disagrees with this assertion and submits that the system and method recited in Claims 1-51 and the method recited in Claims 52-53 are both capable of processing any credit application, regardless of credit limit. The Office Action does not describe how it is possible that the system and method recited in Claims 1-51 are capable of processing any credit application, regardless of credit while the method recited in Claims 52-53 is not capable of processing any credit application, regardless of credit limit. Accordingly, Applicant submits that Group I and Group II subcombinations are not patentably distinct.

In addition, requirements for restriction are not mandatory under 35 U.S.C. Accordingly, reconsideration of the restriction requirement is requested.

Respectfully Submitted,



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